

AN ORDINANCE REGULATING HEALTH,
NUISANCES AND AMUSEMENTS

ORDINANCE # 1

The Town Board of Credit River, County of Scott, State of Minnesota, does ordain as follows:

SECTION I.

Subsequent to the enactment of this ordinance, the following acts, conditions, activities, business or businesses, are hereby prohibited except as hereinafter permitted or regulated.

a. No unwholesome substance, garbage, refuse, offal or similar substances shall be brought, deposited, left, dumped or allowed to accumulate within the town of Credit River.

b. Subsequent to the enactment of this ordinance, all public nuisances are prohibited. A public nuisance is a crime against the order and economy of the state and consists in unlawfully doing an act or omitting to perform a duty, which act or omission shall:

- 1) Annoy, injure or endanger the safety, health, comfort or repose of any considerable number of persons.
- 2) Offend public decency.
- 3) Unlawfully interfere with, obstruct or tend to obstruct or render dangerous for passage, a lake, navigable river, bay, stream, canal or basin, or a public park, street, alley or highway, or
- 4) In any way render a considerable number of persons insecure in life or the use of property.

c. The owners and occupants of lands shall remove such substances described in paragraph a. from such land or eliminate the nuisance existing on such land, or in default of removal therefrom within thirty days of a written notice from the Town Board, the Town Board may order the removal at the expense of

the owner or occupant, which expense shall become a lien upon the property to be collected as a special assessment. In lieu of such elimination by the Town Board, the Town Board may require the removal by appropriate court order or by criminal prosecution or by both. After the thirty days' notice as provided above shall have expired, each day that the condition sought to be eliminated shall continue to exist shall be a separate violation of this ordinance and be subject to prosecution as hereinafter provided.

d. No person shall hereafter engage within the Town of Credit River in any trade or employment which is hurtful to the inhabitants or dangerous to the public health, or injurious to neighboring property, or from which obnoxious odors arise or undue noise emanates, and specifically no person shall operate a dump or garbage dumping area, or rendering plant, or trailer court, or slaughter house, or auto race track, except such specific activity be authorized by issuance of a license as hereinafter provided.

e. It is unlawful for any person to cause or permit garbage, tin cans or refuse to be thrown or scattered upon any street, alley, highway, parkway or boulevard or real estate other than his own.

SECTION II.

Any person desiring to establish a dump, garbage disposal area, rendering plant, trailer court or auto race track, or any other person desiring to obtain a license authorizing a variance from the prohibitions of this ordinance may file a petition with the Town Clerk requesting such license. Upon receipt of such petition, the Town Clerk shall advise the Chairman of the Board, who shall call a meeting to hear such petition within thirty days of the receipt of such petition.

Notice of the hearing on such petition shall be published in the official newspaper at least one week prior thereto. At such hearing the petitioner and any objectors shall be heard, and the Town Board shall thereupon refuse or grant such license. Trailer courts shall be permitted to the extent that the township government and schools are able to adequately cope with the problems created thereby. The Town Board shall further permit such variance from the terms of this ordinance as will not jeopardize the health and general welfare of the township and its residents and the neighbors to the areas involved. In such event such license is granted, the Town Board shall attach to such license the conditions under which it is made as to supervision, regulation, protection of health, operation, control of odors, smoke and noise, and similar obnoxious matters. Any license with reference to dumps or garbage disposal shall automatically be subject to the condition that there be no dumping within one-half mile of schools or churches, or one-quarter mile of residences, and to the further condition that such garbage or refuse be moved in covered vehicles. For any violation of law, ordinance or regulation, or conditions of such license, the Town Board may, by written notice, cancel such license as of the date of such notice. Petitions for such licenses, except for trailer courts, shall be accompanied by an application fee of Twenty-five (\$25.00) Dollars to cover the expense of the hearing, publication, inspection, etc., which amount shall not be returnable in the event the license is denied.

SECTION III.

The provisions of this ordinance do not apply to the hauling or accumulation or spreading of manure for the purposes

of agriculture, nor to the natural and usual accumulation of rubbish from one residence on the owner's own premises, provided the public health is not adversely affected thereby.

SECTION IV.

Upon the granting of a license pursuant to hearing as above provided and prior to issuance thereof by the Town Clerk, the petitioner shall pay an annual license fee to the Town Clerk in the amount hereinafter provided for the type of license to be issued, and the said license shall be renewed on or before April 1st of each calendar year.

- a. For a dump or garbage disposal area, \$250.00.
- b. For a rendering plant, \$150.00.
- c. For a trailer court, \$100.00.
- d. For auto race tracks, \$100.00.
- e. For slaughter house, \$100.00.

f. For such other variations from this ordinance as may be authorized pursuant to petition as provided above, such license fee as shall be ordered by the Town Board as a condition to the issuance of such license.

SECTION V.

A violation of any provision hereof or the failure to comply with any provision hereof shall be a penal offense upon conviction for which there shall be imposed a fine not to exceed \$100.00 and costs, or imprisonment in the county jail not to exceed ninety days and costs.

SECTION VI.

The failure of any provisions in this ordinance shall not affect the validity of any other provisions of this ordinance that are separable.

SECTION VII.

The Town Clerk shall cause this ordinance to be published once in the official newspaper, and this ordinance shall take effect from and after such publication.

The foregoing ordinance was duly adopted by the Town Board of Credit River at a meeting duly called on the 11 day of March, 1958.

Signed,

ATTEST:

Robert Haugh
Town Clerk

Lerone C. Busse
Chairman of the Board

Prepared and approved by:

Amiel W. Merrill
Township Attorney

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